

Please type a plus (+) inside this box



PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |  |               |             |    |
|---|--|--|---------------|-------------|----|
| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> |  | Attorney Docket No.                            | 11399-005-999 | Total Pages | 73 |
|   |  | First Named Inventor or Application Identifier |               |             |    |
|   |  | Rhonda J. Honeycutt and Michael McClelland     |               |             |    |
|   |  | Express Mail Label No.                         | EV335855710US |             |    |

**APPLICATION ELEMENTS**  
*See MPEP chapters 600 concerning utility patent application contents.*

1. ☒ Fee Transmittal Form  
*(Submit an original, and a duplicate for fee processing)*

2. ☒ Applicant claims Small Entity status, see 37 C.F.R. § 1.27

3. ☒ Specification [Total Pages 67]  
*(preferred arrangement set forth below, MPEP 1503.01)*  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R&D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description of the Invention (including drawings, if filed)  
- Claim(s)  
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets 2]

5. ☒ Oath or Declaration [Total Sheets 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*  
a. ☐ Computer Readable Form (CRF)  
b. ☐ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)*

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

13. ☒ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*

15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*

16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent

17. ☐ Other:

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No.: 09/645,055 filed August 23, 2000.

Prior application information:                      Examiner:                      Group Art Unit:                      |

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number

20583  
Insert Customer No. or Attach bar code label here)

☐ Correspondence address below

|         |           |          |  |
|---------|-----------|----------|--|
| NAME    |           |          |  |
| ADDRESS |           |          |  |
| CITY    | STATE     | ZIP CODE |  |
| COUNTRY | TELEPHONE | FAX      |  |



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
 Box PATENT APPLICATION  
 Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation application under 37 CFR § 1.53(b), of pending prior application no. 09/645,055 filed on August 23, 2000.

of Rhonda J. Honeycutt and Michael McClelland

(inventor(s) currently of record in prior application)

for IDENTIFYING ORGANISMS BY DETECTING INTRONIC NUCLEIC ACID OR ENCODED PROTEINS

(title of invention)

1. ☒ The filing fee is calculated below:

## PATENT APPLICATION FEE VALUE

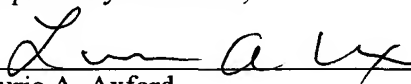
| TYPE  | NO. FILED | LESS | EXTRA | EXTRA RATE   | FEE       |
|---|-----------|------|-------|--------------|-----------|
| Total Claims  | 18        | - 20 | 0     | \$18.00 each | \$ 0.00   |
| Independent   | 2         | - 3  | 0     | \$84.00 each | \$ 0.00   |
| Minimum Fee   |           |      |       |              | \$ 750.00 |
| Multiple Dependency Fee<br>If Applicable (\$280.00)   |           |      |       |              | \$ 0.00   |
| <b>Total</b>  |           |      |       |              | \$ 750.00 |
| Applicant qualifies for the 50% Reduction for Independent<br>Inventor, Nonprofit Organization or Small Business Concern |           |      |       |              | \$ 375.00 |
| <b>Total Filing Fee</b>   |           |      |       |              | \$ 375.00 |

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This application is a continuation of U.S. Utility Application Serial No. 09/645,055, filed on August 23, 2000, which claims priority under 35 U.S.C. § 119(e) from Provisional Application Serial No. 60/150,977, filed August 25, 1999, the contents of each which are incorporated herein by reference.
- 4a. ☐ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.

- 5a. ☒ Priority of application no. 60/150,977 filed on August 25, 1999 and of application no. 09/645,055 filed on August 23, 2000 is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☐ The prior application is assigned of record to .
- 7a. ☐ A copy of the Power of Attorney filed in the prior application no. , filed is enclosed.
- 7b. ☒ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☐ Additional enclosures or instruction

Respectfully submitted,

Date June 25, 2003

  
Laurie A. Axford

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711

35,053  
(Reg. No.)